

## **Response**

### **A. Introduction**

Claims 1-24 remain pending in the application, with claims 10-11 and 23-24 having been withdrawn from consideration as directed to a non-elected invention. The Examiner has (1) objected to the specification as purportedly not providing “antecedent basis for the ‘means’ set forth in claims 1 and 12,” (2) objected to claim 2 as incorrectly referring to an antecedent claim, and (3) rejected the pending claims under 35 U.S.C. § 103(a) as obvious over, principally, the combined disclosures of U.S. Patent Nos. 3,506,489 to Baker and 3,045,829 to Rule, et al. and supposed admissions of Applicant as to prior art. He additionally requested that Applicant update the status of a related application referenced in the specification and confirm a verbal provisional election of claims 1-9 and 12-22.

### **B. Miscellaneous**

Applicant has amended the specification to update the status of U.S. Patent Application Serial No. 10/282,653 and corrected claim 2 to indicate it depends from claim 1 rather than from itself. Applicant additionally affirms election of the invention of Group I, claims 1-9 and 12-22, for continued prosecution in this application. Applicant identifies water distribution valve 48 as comprising the “means” set forth in claims 1 and 12; clearly stated on page 6, lines 23-27 of the application is, for example, that:

In the system under consideration, the water distribution valve 48 sequentially supplies water under pressure to each of its outlet ports numbered 1 through 8, which are connected to corresponding outlets numbered 1 through 8 in the bottom of the pool . . . .

Applicant thus requests that all objections and requests of the Examiner be withdrawn as having been satisfied herein.

### C. Section 103(a) Rejections

Applicant has amended independent claims 1 and 12 solely to clarify that the 180° and part-circle arcs cleaned by the second rotatable head in the bottom of a swimming pool are not merely portions of a circular (360°) arc. The Examiner appears already to have interpreted the claims in this manner. Nevertheless, for certainty, Applicant has revised the claims slightly to refer to the second rotatable head as cleaning *only* in substantially a 180° (or other *part*-circular) arc--*i.e.* that it does *not* clean in a part-circle arc *in the course of making a complete circle*.

The Examiner concedes that the Baker patent fails to disclose any “180 deg. arc cleaning head.” See Office Action at p. 4. Indeed, the Baker patent repeatedly refers to water being emitted “from successively different and adjacent ports all around the perimeter of the device 89” (*i.e.* in a 360° arc). See Baker, col. 8, ll. 43-44; see also id., col. 9, ll. 32-36 (referencing water jets occurring “all around the 360° of the jet-producing device”). Accordingly, *it neither teaches nor suggests any mechanism for directing water in less than a 360° arc for a rotating head*.

Nor is this deficiency cured by the Rule patent. Although Applicant acknowledges that the Rule patent discloses a head 20 with multiple outlet openings 25a extending 180° about its circumference, *no part of head 20 rotates in any way*. Instead, the positions of the water jets of the Rule patent are always *fixed*, as is clearly shown in Figure 3 of the patent. Thus, even were someone skilled in the art to know to combine the disclosures of the Baker and Rule patents (which Applicant does not

concede), the combination would *not* produce *rotating* heads cleaning through a 180° or part-circle arc as claimed in claims 1 and 12. Applicant accordingly requests that the Examiner's obvious rejections be withdrawn for at least this reason.\*

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\*Applicant additionally disputes the Examiner's characterization of any "admission" supposedly made by Applicant on page 8 of the application. Although Applicant identifies existing patents for "irrigation sprinklers employing reversible and adjustably set part-circle reversing mechanisms that can be used in the production of part-circle pop-up cleaning heads for an in-floor pool cleaning system," Applicant does *not* admit such mechanisms have ever been used for that purpose, or necessarily would have been thought to be adaptable for that purpose, *prior* to Applicant's having proposed to do so as part of the invention. Applicant further does *not* admit it would be obvious to use any of the mechanisms in connection with the devices of the Baker and Rule patents cited by the Examiner.

### **Supplemental Information Disclosure Statement**

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant identifies the materials listed below and on the relevant form accompanying this submission:

#### **U.S. PATENTS/PUBLICATION**

<u>Number</u>	<u>Inventor</u>	<u>Date</u>
3,107,056	Hunter	October 15, 1963
3,713,584	Hunter	January 30, 1973
3,724,757	Hunter	April 3, 1973
3,930,618	Lockwood	January 6, 1976
4,253,608	Hunter	March 3, 1981
4,417,691	Lockwood	November 29, 1983
4,462,546	Pitman	July 31, 1984
4,625,914	Sexton, et al.	December 2, 1986
4,634,052	Grizzle, et al.	January 6, 1987
4,699,321	Bivens, et al.	October 13, 1987
4,708,291	Grundy	November 24, 1987
4,787,558	Sexton, et al.	November 29, 1988
4,955,542	Kah, Jr.	September 11, 1990
5,148,991	Kah, Jr.	September 22, 1992
5,383,600	Verbera, et al.	January 24, 1995
2002/0092924	Ingham, Jr., et al.	July 18, 2002
2003/0056284	Mathews	March 27, 2003

Applicant does not concede that the identified documents, or any of them, constitute prior art within the meaning of the United States patent laws.

#### **Fees**

Attached is authorization to charge a credit card for \$180.00 for submission of the Supplemental Information Disclosure Statement. Applicant believes no other fee presently is due. However, if Applicant's belief is mistaken, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any additional fee due as a consequence of Applicant's submission of this paper.

### Conclusion

Applicant requests that the Examiner allow claims 1-9 and 12-22 and that a patent containing these claims issue in due course.

Respectfully submitted,



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